

Senate Bill No. 40

CHAPTER 552

An act to repeal and add Section 1798.89 of the Civil Code, and to amend Section 4506 of the Family Code, relating to social security numbers.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 40, Correa. Personal information: social security numbers.

Existing law requires any person, entity, or government agency that is presenting a document for recording or filing with a county recorder to only list the last 4 digits of a social security number. Existing law also requires a county recorder to use due diligence to truncate social security numbers in the public record version of official records.

This bill would provide that a document containing more than the last 4 digits of a social security number is not entitled for recording. This bill would also provide that a recorder shall be deemed to be in compliance if he or she uses due diligence to truncate social security numbers in documents recorded, as provided.

Existing law requires an abstract of judgment ordering a party to pay spousal, child, or family support to contain the social security number of the party who is ordered to pay.

This bill would instead require an abstract of judgment to contain only the last 4 digits of the social security number of the party who is ordered to pay.

The provisions of this bill would not apply to documents created prior to January 1, 2010.

The people of the State of California do enact as follows:

SECTION 1. Section 1798.89 of the Civil Code is repealed.

SEC. 2. Section 1798.89 is added to the Civil Code, to read:

1798.89. (a) Unless otherwise required to do so by state or federal law, no person, entity, or governmental agency shall present for recording or filing with a county recorder a document that is required by any provision of law to be open to the public if that record displays more than the last four digits of a social security number. Unless otherwise authorized by state or federal law, a document containing more than the last four digits of a social security number is not entitled for recording.

(b) A recorder shall be deemed to be in compliance with the requirements of this section if he or she uses due diligence to truncate social security

numbers in documents recorded, as provided in Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3 of the Government Code.

(c) This section shall not apply to documents created prior to January 1, 2010.

SEC. 3. Section 4506 of the Family Code is amended to read:

4506. (a) An abstract of a judgment ordering a party to pay spousal, child, or family support to the other party shall be certified by the clerk of the court where the judgment was entered and shall contain all of the following:

(1) The title of the court where the judgment is entered and the cause and number of the proceeding.

(2) The date of entry of the judgment and of any renewal of the judgment.

(3) Where the judgment and any renewals are entered in the records of the court.

(4) The name and last known address of the party ordered to pay support.

(5) The name and address of the party to whom support payments are ordered to be paid.

(6) Only the last four digits of the social security number, birth date, and driver's license number of the party who is ordered to pay support. If any of those numbers are not known to the party to whom support payments are to be paid, that fact shall be indicated on the abstract of the court judgment. This paragraph shall not apply to documents created prior to January 1, 2010.

(7) Whether a stay of enforcement has been ordered by the court and, if so, the date the stay ends.

(8) The date of issuance of the abstract.

(9) Any other information deemed reasonable and appropriate by the Judicial Council.

(b) The Judicial Council may develop a form for an abstract of a judgment ordering a party to pay child, family, or spousal support to another party which contains the information required by subdivision (a).

(c) Notwithstanding any other provision of law, when a support obligation is being enforced pursuant to Title IV-D of the Social Security Act, the agency enforcing the obligation may record a notice of support judgment. The notice of support judgment shall contain the same information as the form adopted by the Judicial Council pursuant to subdivision (b) and Section 4506.1. The notice of support judgment shall have the same force and effect as an abstract of judgment certified by the clerk of the court where the judgment was entered. The local child support agency or other Title IV-D agency shall not be subject to any civil liability as a consequence of causing a notice of support judgment to be recorded.

(d) As used in this section, "judgment" includes an order for child, family, or spousal support.